

DEC 13 2013

The Honorable Andrew Cuomo
Governor of New York
State Capitol
Albany, New York 12224

Dear Governor Cuomo:

This letter responds to Commissioner Peter M. Rivera's letter dated November 26, 2013, requesting to extend the deadline for submission of New York's Workforce Investment Act (WIA) and Wagner-Peyser (W-P) State Plan. Commissioner Rivera's letter indicates that while the State has made progress in appointing a State Workforce Investment Board (SWIB) and obtaining input, the State continues to need additional time to appoint and convene a SWIB and obtain input into the State Plan. The Employment and Training Administration (ETA) previously provided New York with four temporary extensions of its State Plan, with the most recent extension requiring submission of a new State Integrated Workforce Plan by November 1. New York missed this deadline. New York's current State Plan will expire on December 31, 2013.

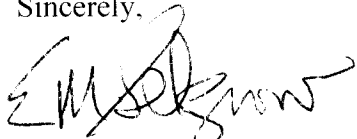
WIA requires the State to have in place a SWIB and to include in its State Plan a description of the SWIB membership and its role in developing the plan. ETA understands that you have nearly completed all the appointments to put in place a WIA-compliant SWIB. Commissioner Rivera's letter indicated that you will host the first meeting of the newly-appointed SWIB and hold a vote on that plan on January 29, 2014. Subsequently, the State intends to submit a State Plan to ETA by January 31, 2014.

ETA will grant New York a temporary extension of its State Plan for WIA Title I and W-P, its previously approved waivers, and its current Agricultural Outreach Plan (AOP) through April 15, 2014, on the condition that the State must submit a State Integrated Workforce Plan for PY 2013 – PY 2016 by January 31, 2014. The State must carry out its work in accordance with ETA guidance (Training and Employment Guidance Letter (TEGL) No. 21-11, and TEGL No. 23-12). This letter constitutes ETA's written determination under WIA Section 112 (29 USC 2822). This extension will give the State's newly appointed State Board adequate time to participate in the development of the State Plan as required by WIA. In the event the State fails to meet this additional extended deadline, ETA will proceed with the Grant Officer resolution process discussed at 20 CFR 667.510 by issuing an Initial Determination regarding the State's non-compliance. The Grant Officer resolution process may result in designating the state as a high-risk grantee under 29 CFR part 97.

We look forward to receiving your full State Plan for PY 2013 – PY 2016 and working together as you implement your State workforce strategies. We believe that SWIBs are a critical part of the public workforce system leadership and that the newly-appointed New York Workforce Investment Board will contribute to the success of your strategy for the State's long-term economic success.

If you have any questions related to the issues discussed above, please contact Timothy Theberge, the Federal Project Officer for New York, at (617) 788-0139 or Theberge.Timothy@dol.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric M. Seleznow", written over a horizontal line.

Eric M. Seleznow
Acting Assistant Secretary

Enclosure

cc: Peter Rivera, Commissioner, NY State Department of Labor
Holly O'Brien, Regional Administrator, ETA Boston Regional Office
Timothy Theberge, Federal Project Officer for New York



New York State Department of Labor

Andrew M. Cuomo, *Governor*

Peter M. Rivera, *Commissioner*

November 26, 2013

Honorable Eric M. Seleznow
Acting Assistant Secretary for
Employment and Training
U.S. Department of Labor
Frances Perkins Building
200 Constitution Ave., NW
Washington, D.C. 20210

Dear Assistant Secretary Seleznow:

Governor Cuomo is very appreciative of the extensions granted by USDOL/ETA for New York State's current Workforce Investment Act and Wagner-Peyser State Plan. As you are aware, the extensions were requested so that the Governor had adequate time to complete the reconstitution of the State's Workforce Investment Board, properly orient the Board members as to their expected roles and responsibilities, and give them the opportunity to review and approve the State Plan. This letter is to provide you with an update as to the status of the State Workforce Investment Board (SWIB) and alert you to the subsequent need to request an extension of our Plan submission until January 31, 2014.

We have been working closely with the Governor's Office to recruit new Board members and expect to have a full Board by December 31, 2013. To date, the Governor has completed and appointed the majority of the required membership. There are still some that are in the clearance process and several have requested that their names be removed from consideration. So we are aggressively continuing the appointment process and are confident that the full membership will be completed shortly. In keeping with efforts to align the Governor's priority initiatives, many of the new Board members also serve on the Regional Economic Development Councils, and several of the Board's new business members represent their region's priority industry sectors.

To make the most of the first meeting of the newly appointed Board, the Governor's Office will host the meeting at the Capitol on January 29, 2014, approximately three weeks after delivery of the 2014 State of the State address. Scheduling the meeting at that time will allow us to begin the New Year and the new Board focusing on the workforce priorities that will be outlined in the State of the State and build on the Administration's vision for workforce development in New York. We believe that holding the first of the quarterly meetings in mid-January provides opportunity for a more strategic approach and clarity on priorities for the ensuing year and will be the model going forward. The January 29 meeting notice will be posted

on the Department of Labor's internet site in December and sent by mail to individual members. The agenda, State Plan, and other materials will be included with the meeting invitation to members. Attached is the draft agenda; a vote on the State Plan will take place at the meeting.

On behalf of the Governor, we are extremely grateful for your patience and cooperation as we embark on a newly formulated State Workforce Investment Board. We are confident that the additional time it has taken to craft this new Board can only increase its effectiveness in building New York's workforce for today and in the future. Thank you for your willingness to work with us on this important initiative.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter M. Rivera". The signature is fluid and cursive, with a large initial "P" and "M".

Peter M. Rivera
Commissioner

Attachment

cc: A. David
M. Musolino
K. Coleman